

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

vs.

CRIMINAL ACTION NO. 3:98-00047-01

KELVIN ANDRE SPOTTS, a/k/a Shorty

ORDER

Pending before the Court are Defendant Kelvin Spotts' Motion (*pro se*) to Construe Motion for Immediate Release from Federal Prison and the Amendment as 3582 Motions and Requesting Government to Show Cause (ECF No. 1464), accompanied with the Motion (*pro se*) to Stay Rule 60(b) & (D) (ECF No. 1465).

These motions pertain to Defendant's arguments under the First Step Act. Defendant is presently represented by counsel on these matters and his request to proceed "limited *pro se*" was denied. ECF No 1463. Accordingly, the Court **DENIES, without prejudice**, these motions (ECF Nos. 1464, 1465) as improperly filed. *See* 28 U.S.C. § 1654 ("the parties may plead and conduct their cases personally *or* by counsel") (emphasis added); *see also Scott v. United States*, No. 1:02CR27, 2008 WL 11427926, at *1 (N.D.W. Va. Mar. 17, 2008) (citing multiple cases denying *pro se* filings by defendants represented by counsel).

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, the defendant, and any unrepresented parties.

ENTER: April 12, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE